

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

TRANSCO MEDICAL	)	
TRANSCRIPTION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:04-CV-099
	)	
DICTATION SERVICES GROUP, INC.,	)	
	)	
Defendant.	)	

**ORDER**

On November 30, 2005, plaintiff's original counsel filed a motion to withdraw. [Doc. 26]. By order dated December 5, 2005, the court granted the motion. [Doc. 27]. That same day, defendant filed a motion for summary judgment. [Doc. 28].

On June 27, 2006, replacement counsel made an appearance on behalf of plaintiff. [Doc. 53]. After a hearing conducted the following day, the court denied, with leave to renew, all of defendant's pending motions, including the summary judgment motion. [Docs. 54, 55]. The purpose of this ruling was to allow replacement counsel adequate time to familiarize himself with - and develop - this case.

It would appear that defendant misunderstood the court's ruling, as a virtually identical summary judgment motion was refiled a mere two days later. [Docs. 56, 57]. It is not possible for a replacement attorney to meaningfully conduct discovery in a mere forty-

eight hours. Further, defendant's recycled summary judgment brief is riddled with factual and chronological inaccuracies, such as references to the *pending* withdrawal of plaintiff's original counsel, the *upcoming* March 2006 trial date, and inaccurate pretrial deadlines. For these reasons, defendant's summary judgment motion [doc. 56] is again **DENIED, WITH LEAVE TO REFILE A CORRECTED MOTION AT AN APPROPRIATE TIME.**

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
United States District Judge